

Chapter 18.72

SCHOOL IMPACTION

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18.72.010 Findings of overcrowding--Notice to city.

If at any time during the school year the board of education of the Morgan Hill Unified School District finds that overcrowding exists within the district which impairs the normal functioning of educational programs, and that all reasonable methods of mitigating conditions of overcrowding have been evaluated and no feasible method for reducing such conditions exists, the board of education of the Unified School District shall so notify the city council. (Ord. 581 N.S. (part), 1982)

18.72.020 Notice of findings--Contents.

The notice of findings shall be in the form of a resolution by the board of education of the Morgan Hill Unified School District specifying:

- A. The school or schools found to be overcrowded, including a map of the attendance area;
- B. The criteria used by the board of education to determine overcrowding;
- C. The various methods of mitigating conditions considered by the board of education, including:
 - 1. Temporary buildings,
 - 2. Busing,

3. Double sessions,
4. Extended day programs,
5. Year-round school attendance,
6. Open enrollment,
7. Attendance area realignment,
8. Elimination of low-priority uses at impacted schools. (Ord. 581 N.S. (part), 1982)

18.72.030 Notice of findings--Public hearing--Expiration and renewal.

A. The city council shall set a public hearing within thirty days of receipt of such notice of findings by the board of education of the Morgan Hill Unified School District. Following completion of the public hearing, the city council shall adopt a declaration of impaction if it concurs with the findings of the board of education that conditions of overcrowding exist.

B. "Conditions of overcrowding" means that the total enrollment of a school, including enrollment from proposed development, exceeds the capacity of such school, as determined by the board of education of the district.

C. The declaration of impaction automatically expires one year from date of adoption unless application for renewal is made by the board of education. Application for renewal shall be processed and acted upon in the same manner as the original notice of findings. (Ord. 581 N.S. (part), 1982)

18.72.040 Mitigating measures--Submittal required.

A. Together with its notice of findings, the board of education shall submit the range of mitigating measures available to an applicant for a building permit. The specific mitigating measures shall be based upon the following:

1. That any dedication of land or fees to be paid, or both, as determined by the board of education, shall bear a reasonable relationship and will be limited to the needs of the community for interim school facilities;

2. Shall be reasonably related and limited to the need for school facilities caused by the development.

B. Fees shall not exceed the amount necessary to pay five annual lease payments for the interim facilities.

C. Only the payment of fees may be required in subdivisions containing fifty parcels or less.

D. In lieu of fees, the builder of a residential development may, at his/her option and at his/her expense, provide interim facilities, owned or controlled by such builder, at the place designated by the school district, and at the conclusion of the fifth year, the builder shall, at the builder's expense, remove the interim facilities from such place. Facilities provided under this section shall:

1. Meet all the standards of safety, access, durability, aesthetics and usability required of other district facilities;
2. Conform with all building requirements of the district, city, county and state;
3. Be maintained by the builder pursuant to district standards;
4. Be insured to the level of insurance carried by the district, including liability, fire, allied perils, and vandalism;
5. Be energy-efficient;
6. Be provided within ninety days of request by the district;
7. Be removed within sixty days of a request by the district, with the site restored to its original condition. Further, the builder shall be responsible for all damages suffered by the district in the installation, operation and removal of such facilities. (Ord. 581 N.S. (part), 1982)

18.72.050 Mitigating measures--Required when--Type.

A. Upon the adoption of a declaration of impactation by the city council, all persons applying for a building permit to construct a new residential structure, or move a residential structure into the city, shall be required to dedicate land or pay an appropriate fee to mitigate any potential impact cause by such development. "Residential structure" shall include mobile homes.

B. Based upon the recommendations of the board of education and the criteria in Section 18.72.040, the city council shall adopt the mitigation measures to be applied and/or set the mitigation fee by resolution. (Ord. 581 N.S. (part), 1982)

18.72.060 Satisfaction of mitigating measures--Certification.

The responsibility for assuring that actions are taken to obtain compliance with the mitigation measures and/or collect mitigation fees shall be the responsibility of the Morgan Hill Unified School District, in accordance with the provisions outlined within this chapter. The district shall issue to each developer, meeting his/her obligation of mitigation, a letter so stating. The city shall issue the building permit only upon receipt of a copy of the letter. (Ord. 581 N.S. (part), 1982)

18.72.070 Mitigating measures--Annual report.

Prior to August 1st of each year, the district shall submit to the city council a report indicating:

- A. The mitigation fee fund balance as of the close of the previous fiscal year, showing income from each jurisdiction;
- B. A listing of the facilities leased, purchased and constructed during the previous fiscal year;
- C. The identification of those attendance areas which are anticipated to be overcrowded at the beginning of the fall semester, and the anticipated date when the overcrowding will no longer exist. (Ord. 581 N.S. (part), 1982)

18.72.080 Prior agreements not affected.

The adoption of the ordinance codified in this chapter shall not be construed as to change any agreements currently in effect between a developer and the Morgan Hill Unified School District. (Ord. 581 N.S. (part), 1982)

18.72.090 Waiver of mitigation fees--Conditions.

- A. Any applicant for a building permit may request of the board of education of the Morgan Hill Unified School District that all or a portion of the fee be waived.
- B. Following a public hearing on the request for waiver, the board of education may, upon finding overriding economic or personal hardship, waive all or a portion of the mitigating fees, and so notify the city. (Ord. 581 N.S. (part), 1982)